

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Sylvia Davidovicz	Team: Squad #12	CCRB Case #: 201907421	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Wednesday, 07/10/2019 4:00 PM	Location of Incident: 26th Precinct stationhouse	Precinct: 26	18 Mo. SOL 1/10/2021	EO SOL 8/27/2021	
Date/Time CV Reported Sat, 08/10/2019 8:45 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 08/21/2019 11:04 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. LCD Kevin Paynter	00000	919543	026 DET
2. DT3 Vincent Signoretti	02464	927519	026 DET

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Vincent Signoretti	Force: Detective Vincent Signoretti used physical force against § 87(2)(b)	
B.LCD Kevin Paynter	Force: Lieutenant Kevin Paynter used physical force against § 87(2)(b)	

Case Summary

§ 87(2)(b) made a complaint to IAB by phone on August 10, 2019, under IAB Log #19-30638. The CCRB received § 87(2)(b)'s complaint on August 21, 2019.

On July 10, 2019 at 3:05 PM, § 87(2)(b) went to the 26th Precinct stationhouse after arranging to turn herself in on an aggravated harassment charge. At approximately 4:00 PM, while § 87(2)(b) was in an interview room in the detective squad area, Lt. Kevin Paynter and Det. Vincent Signoretti threw § 87(2)(b) to the floor and placed her in handcuffs by twisting her arms behind her back (**Allegation A: Force,** § 87(2)(g) **Allegation B: Force,** § 87(2)(g)).

The officers were not equipped with body-worn cameras, and there was no video footage of the interview room where the interaction occurred.

Findings and Recommendations

Allegation (A) Force: Lieutenant Kevin Paynter used force against § 87(2)(b)

Allegation (B) Force: Detective Vincent Signoretti used force against § 87(2)(b)

It is undisputed that, on July 10, 2019, at approximately 3:05 PM, § 87(2)(b) went to the 26th Precinct stationhouse after arranging to turn herself in on an aggravated harassment charge. When she arrived at the stationhouse, Lt. Paynter and Det. Signoretti informed her that the detective she had planned to surrender to was not in the office yet. Lt. Paynter and Det. Signoretti escorted § 87(2)(b) to an interview room on the second floor of the stationhouse that contained a chair and table. § 87(2)(b) was not handcuffed. Nobody else was in the room with § 87(2)(b).

In her CCRB interview on September 16, 2019, § 87(2)(b) stated that after waiting for about an hour, at approximately 4:00 PM, she knocked on the interview room's door (Board Review 01). Lt. Paynter and Det. Signoretti came to the room and stood in the doorway while § 87(2)(b) sat in the chair. § 87(2)(b) asked them why she was being detained. Lt. Paynter and Det. Signoretti stated that they could not tell her and that she would need to wait until the detective assigned to her case arrived. § 87(2)(b) complained about being detained for hours without knowing why she was being arrested. § 87(2)(b) felt that her saying this annoyed Lt. Paynter and Det. Signoretti. One of them told § 87(2)(b) that she needed to go to a holding cell. § 87(2)(b) said, "No," because she did not want to go to a holding cell and felt that Lt. Paynter and Det. Signoretti were moving her because they were annoyed with her.

Det. Signoretti and Lt. Paynter came into the room. § 87(2)(b) could not remember if she stood up or if the officers issued any instructions and explained that she could not recall because the incident occurred months prior to her interview and because it happened so quickly. The officers grabbed § 87(2)(b)'s arms, twisted her arms behind her back, and threw her onto the floor, causing her to land on her stomach. § 87(2)(b) did not recall exactly how the officers threw her to the floor because it happened so quickly. Lt. Paynter and Det. Signoretti did not fall with § 87(2)(b). § 87(2)(b) stated that she "did not fight back at all."

The investigation was unable to locate video footage capturing this interaction.

In his CCRB interview, Lt. Paynter stated that after § 87(2)(b) had been in the interview room for about 45 minutes, § 87(2)(b) began shouting and banging on the door and asking what was

taking so long (Board Review 02). Lt. Paynter went into the room and explained to § 87(2)(b) that the process might take a long time. § 87(2)(b) threatened to call IAB on Lt. Paynter and have him fired. Lt. Paynter, who felt time that § 87(2)(b) was being irate and irrational, decided to move § 87(2)(b) to a holding cell where her actions would be captured by a surveillance camera and where she would not have access to moveable furniture. Lt. Paynter asked § 87(2)(b) to walk with him to a holding cell several times, but she refused. Lt. Paynter called for a female officer to help him. In his CCRB interview, Lt. Paynter could not recall which female officer he called. This officer did not help Lt. Paynter handcuff § 87(2)(b) but did later help with her arrest processing. Lt. Paynter attempted to grab § 87(2)(b)'s wrist to take her to a holding cell. When Lt. Paynter touched § 87(2)(b)'s arm, § 87(2)(b) threw her body from the chair onto the floor and stated that her legs did not work. Det. Signoretti joined Lt. Paynter in the interview room at some point and helped Lt. Paynter handcuff § 87(2)(b). Lt. Paynter and Det. Signoretti instructed § 87(2)(b) to put her arms behind her back, but § 87(2)(b) flailed her arms and put her hands in front of her body. Lt. Paynter did not clarify what he meant by "flailed." Lt. Paynter and Det. Signoretti each pulled one of § 87(2)(b)'s arms behind her back and handcuffed her. Lt. Paynter and Det. Signoretti then walked § 87(2)(b) to the cell.

Det. Signoretti's CCRB statement was similar to Lt. Paynter's with the following exceptions (Board Review 03): Det. Signoretti stated that after § 87(2)(b) threw herself to the ground, she fell into a fetal position and Det. Signoretti pulled her feet so that she was lying flat on her stomach. Lt. Paynter and Det. Signoretti told § 87(2)(b) to roll over, but § 87(2)(b) tensed her body, remained on her stomach, and kept her hands under her body. Det. Signoretti stated that § 87(2)(b) did not flail her arms. Det. Signoretti pulled one of § 87(2)(b)'s arms out from under her body to handcuff her.

The arrest report associated with this incident, Arrest ID § 87(2)(b) states, "Defendant flailed her arms when police officer attempted to place defendant in handcuffs. Defendant also placed her arms under her body in an attempt to prevent officers from handcuffing suspect" (Board Review 09). Detective Luis Fernandez is listed as the arresting officer and Lt. Paynter is listed as an assisting officer. The report states that Lt. Paynter used force to arrest § 87(2)(b). The force type is listed as: "Other," and the reason is described as: "Overcome resist[ance]/aggr[ession]."

Patrol Guide Procedure 221-01 states that "Force may be used [...] when it is reasonable to place a person in custody" (Board Review 10). The reasonableness of force is determined based on several factors, including whether the civilian is resisting arrest, the number of officers present, and the physical condition of the civilian in comparison to the officers. Procedure 221-02 defines "Active Resistance" as "bracing, tensing, pushing, or verbally signaling an intention to avoid or prevent being taken into or retained in custody." "Passive Resistance" is described as "failing to comply with a lawful command [or] going limp." Procedure 221-03 states that "wrestling of the subject to the ground" qualifies as "Level 1" force.

§ 87(2)(b), § 87(2)(g)
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Civilian and Officer CCRB Histories

- § 87(2)(b) has been party to two CCRB complaints and has been named as a victim in three allegations (Board Review 08).
 - § 87(2)(b)
- Lt. Paynter has been a member-of service for 22 years and has been the subject of nine CCRB complaints and 20 allegations, of which one was substantiated.
 - 200615694 involved substantiated claims of discourteous language. The Board recommended Charges. The NYPD imposed no disciplinary action and determined that the Department was unable to prosecute the case.
 - § 87(2)(g)
- Det. Signoretti has been a member-of-service for 19 years and has been the subject of four CCRB complaints and five allegations, none of which were substantiated. § 87(2)(b)

Mediation, Civil and Criminal Histories

- This Complaint was not suitable for mediation.
- § 87(2)(b) pled guilty to disorderly conduct on December 6, 2018 § 87(2)(b)
- § 87(2)(b) was arrested on July 10, 2019 for resisting arrest and aggravated harassment. On January 31, 2020, this case was adjourned in contemplation of dismissal.
- § 87(2)(b)
- As of January 17, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this complaint (Board Review 06).

Squad No.: 12

Investigator: _____
Signature Print Title & Name Date

Squad Leader: Carlmais Johnson IM Carlmais Johnson March 28, 2020
Signature Print Title & Name Date

Reviewer: _____ _____ _____
Signature Print Title & Name Date